IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10621 of 2004

Between:

Matta Subbarao S/o. Somaraju, Aged 54 years,
China Ramanayyapeta Village, Devipatnam Mandal, E.G.District.

..... PETITIONER

AND

1 The Additional Agent to Govt and the Project Officer, I.T.D.A. Rampachodavaram, East Godavari District.
2 The Special Dy. Collector, Tribal Welfare, Rampachodavaram, E.G.Dist.
3 The M.R.O., Devipatnam Mandal, East Godavari Districat.
4 The Special Deputy Collector, Tribal Welfare, Devipatnam, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order of the 2nd respondent in LTRP No. 17/2001 dated 1.2.2002 as highly illegal, arbitrary, unjust, improper and consequently set a side the same .

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

For the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No. 10621 of 2004

O R D E R :

The petitioner is a non-tribal. He is the owner of the land in an extent of 0.42 hectors in Sy.No.113/2 and 0.41 hectors in Sy.No.113/3 in Chinaramanaiahpeta village,Devipatnam Mandal, East Godavari District. The land is situated in tribal area. He claims that he purchased the said land under an agreement of sale on 29-03-1969 and he is in possession of the said land since then. The second respondent-Special Deputy Tahsildar passed an order in L.T.R.P.No.17 of 2001 *ex parte on 01-02-2002* without considering the merits of the case and without applying the regulations with its perspective manner. The petitioner being aggrieved by the order of the second respondent, preferred C.M.A.No.1 of 2003 before the first respondent along with a stay petition.

2. The grievance of the petitioner is that the first respondent did not pass any order either in the appeal or in the stay petition till now. Therefore, he approached this Court seeking a direction to the first respondent to dispose of the appeal according to law.

3. In the light of the circumstances explained by the petitioner, the first respondent is directed to pass appropriate orders on merits in C.M.A.No.1 of 2003 within two

months from the date of receipt of copy of this order and communicate the same to the petitioner.

4. The status quo order dated 25-06-2004 passed by this Court shall continue till the disposal of the appeal by the first respondent.

5. The Writ Petition is accordingly disposed of. No order as to costs.

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03-08-2004

Ccm/Rns

To:

1 The Additional Agent to Govt and the Project Officer,

I.T.D.A. Rampachodavaram, East Godavari District.

2 The Special Dy. Collector, Tribal Welfare,

Rampachodavaram, E.G.Dist.

3 The M.R.O., Devipatnam Mandal, East Godavari Districat.

4 The Special Deputy Collector, Tribal Welfare, Devipatnam, E.G. Dt.

5. 2 CCs to G.P. for Social Welfare,

High Court Buildings, Hyderabd(OUT)

6. 2 CD copies